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May 28, 2014

VIA ECF

Honorable Magistrate Judge Robert M. Levy
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: *Silverman & Silverman, LLP v. Pacifica Foundation*
Case No. : CV 11 1894 (FB)(RML)
LBC&C File No. : 12 169L 96421

Honorable Magistrate Levy:

We write as counsel for plaintiff Silverman & Silverman, LLP ("Silverman") on the counterclaims and with respect to the Court's May 9, 2014 order. Pursuant to the letter motions filed by both counsel for plaintiff, the Court, on May 9, 2014, provided an Order to Show Cause date for defendant Pacifica Foundation ("Pacifica") to "show cause by 5/16/14 why the Court should not enter plaintiff's proposed discovery order." Not surprisingly, not only did Pacifica not even bother to file any response by May 16, 2014, but several weeks later, nothing has been done by Pacifica. Indeed, the proposed date for Pacifica to provide Silverman with options for depositions by May 19, 2014 has also passed.

Just for the record, we again note that in the years that this case has proceeded, there is a detailed record of Pacifica's non-compliance with Court orders and not even bothering to respond to plaintiff's counsel or the Court by deadlines. It clearly goes beyond non-compliance and to the point of willful disobedience and lack of prosecution of its counterclaims. We would, therefore, respectfully request that either the Court enter an order striking Pacifica's counterclaims against Silverman or permitting counsel for Silverman to file a motion for sanctions to strike Pacifica's counterclaims.

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We thank the Court for its consideration of the above.

Respectfully submitted,



SCOTT E. KOSSOVE

SEK:lg

cc: *(Via ECF)*
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Attorney for Plaintiff
Patrick J. Hackett, Esq.
Attorney for Defendant